

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 12584PC2	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/AU2004/001600</b>	International filing date ( <i>day/month/year</i> ) <b>18 November 2004</b>	Priority date ( <i>day/month/year</i> ) <b>18 November 2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl. 7 E01F 13/06, G08G 1/005</b>			
Applicant <b>SAFECROSS PTY LTD et al</b>			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a.  (*sent to the applicant and to the International Bureau*) a total of sheets, as follows:

- sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand <b>22 July 2005</b>	Date of completion of the report <b>26 October 2005</b>
Name and mailing address of the IPEA/AU  <b>AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929</b>	Authorized Officer  <b>ALLAN SMAILES Telephone No. (02) 6283 2154</b>

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001600

**Box No. I Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1 (b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages	as originally filed/furnished
pages*	received by this Authority on _____ with the letter of _____
pages*	received by this Authority on _____ with the letter of _____

the claims:

pages	as originally filed/furnished
pages*	as amended (together with any statement) under Article 19
pages*	received by this Authority on _____ with the letter of _____
pages*	received by this Authority on _____ with the letter of _____

the drawings:

pages	as originally filed/furnished
pages*	received by this Authority on _____ with the letter of _____
pages*	received by this Authority on _____ with the letter of _____

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No..

PCT/AU2004/001600

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims 1-21	YES
	Claims	NO
Inventive step (IS)	Claims 1-21	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-21	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

- D1: US 5294138 A
- D2: US 3886519 A
- D3: US 2941185 A
- D4: Derwent Abstract Accession No. 2003-732094/69, Class Q15; T07: ZA 200201777 A
- D5: US 2969604 A

**A. NOVELTY:**

A.1. None of the cited documents reveals all the features of the claimed invention:

- A.1.1. D1 fails to disclose a remote control mechanism;
- A.1.2. D2 does not disclose the gate mounted on a trolley (note that "trolley" is construed to mean a wheeled frame for transporting goods that is moved by hand – as such the trailer disclosed in D2 is not considered to be a trolley);
- A.1.3. D3 does not disclose a boom;
- A.1.4. in D4 the boom does not raise and lower, but swings sideways;
- A.1.5. D5 fails to disclose a trolley and a remote control.

**B. INVENTIVE STEP:**

B.1. It is not considered obvious to modify or combine the prior art to arrive at the claimed invention:

- B.1.1. D1 is directed to a portable boom gate to assist a traffic officer. It is set in motion by switch 100 and then operates on a pre-programmed cycle. Given that it operates on a pre-programmed cycle, it is not considered obvious to modify the boom gate of D1 to include remote operation;
- B.1.2. It is not considered obvious to modify D2 such that the traffic control device is smaller and thus suitable for trolley mounting as its size is presented as an important aspect of the invention (See column 3, line 66-column 4, line 10);
- B.1.3. D3 does not teach or suggest the use of a boom;
- B.1.4. It is not considered obvious to modify D4 such that the gate (beams 18) will raise and lower in a vertical direction as they appear to be intended to swing in a horizontal plane so as to block traffic from different directions depending on their orientation;
- B.1.5. There is no teaching or suggestion that the boom of D5 could be mounted on a trolley, nor operated by remote control, and these features would require significant modification of the disclosed boom.

C. Therefore the claimed subject matter meets the requirements of Articles 33(2) and 33(3) PCT with regard to novelty and inventive step.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/AU2004/001600

**Box No. VIII    Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Page 1, line 7 of the description refers to prior art apparatus "US Patent 6,886,519". The correct number should read 3,886,519
2. Claim 5 is not clear due to a lack of antecedent. It is appended to claim 1; however it refers to "the connection means" that is only introduced at claim 4 and should thus be appended to claim 4.